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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Cai *et al.*

Appl. No. 09/769,420 ✓

Filed: January 26, 2001 ✓

For: **Substituted Nicotinamides and
Analogues as Activators of Caspases
and Inducers of Apoptosis and the
Use Thereof** ✓

Confirmation No. 4240

Art Unit: 1614

Examiner: (to be assigned)

Atty. Docket: 1735.0440001/RWE/BEC

First Supplemental Information Disclosure Statement

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Information Disclosure Statement filed on June 25, 2001, in connection with the above-captioned application. A copy of each document is also provided.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

It is noted that Documents AM2, AO2 and AM3 are in a foreign language. Each document contains an English-language abstract. These documents were cited in the International Search Report for the corresponding international application. A copy of the International Search Report is enclosed as Document AT11. The search report indicates the degree of relevance found by the foreign office in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38.

Applicants advise that, to the best of Applicants' knowledge and belief, each of the following substituted nicotinamides and analogs was available from one or more commercial suppliers prior to January 27, 2000, when Applicants' priority application, U.S. Appl. No. 60/177,648, was filed:

N-(4-methoxy-2-nitrophenyl)-3-pyridinecarboxamide;
5-Bromo-*N*-(4-methoxy-2-nitrophenyl)-3-pyridinecarboxamide;
2-Chloro-*N*-(4-ethoxy-2-nitrophenyl)-3-pyridinecarboxamide;
N-(4-methoxy-6-nitrophenyl)-*N'*-(4-methoxy-6-nitrophenyl)-2,6-pyridine-dicarboxamide;
N-(4-Methyl-2-nitrophenyl)-4-pyridinecarboxamide;
N-(2-Bromo-4-methylphenyl)-*N'*-(2-bromo-4-methylphenyl)-3,6-pyridine-dicarboxamide;
2-(3,4-Dimethoxyphenyl)-*N*-(4-ethoxy-6-nitrophenyl)-4-quinolinecarboxamide;
N-(4-Ethoxy-2-nitrophenyl)-3-pyridinecarboxamide;
N-(4-Methyl-2-nitrophenyl)-3-pyridinecarboxamide;
N-(2-Bromo-4-methylphenyl)-3-pyridinecarboxamide;
N-(2,4-Dichlorophenyl)-3-pyridinecarboxamide; and
N-(2,4-Difluorophenyl)-3-pyridinecarboxamide.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

This Information Disclosure Statement is being filed within three months of the date of filing of a national application other than a continued prosecution application (CPA), OR within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, OR before the mailing date of a first Office Action on the merits OR before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

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